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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,772	10/15/1999	MICHAEL C. ALBERS	SUNIP223/P37	9304

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EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,772

Applicant(s)

ALBERS ET AL

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-22, 24 are pending. This action is in response to the amendment filed 2/10/2003. Applicant has amended claims 1, 2, 12, 14, 16, 17 and 22, and cancelled claim 23.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 4, 6-8, 10-14, 16, 17, 20, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al (U S Pat. 5,996,022) in view of Rose (U S Pat. 6,085,199).

As to claim 1, Krueger teaches an audio computer service (col. 3, lines 20-44) comprising:

system manager (server 5, col. 4, lines 6-26);

component (client 1) capable of an audio event (audio channel) designed to run on a first platform (client system 1, including hardware and software) serviced by the audio computer service (fig. 1, col. 3, lines 45-65); and

plurality of themes (transcoded audio files by different transcoding modes) associated with respective audio events (user/client requested audio files), first theme including first set of platform dependent audio fields (transcoded audio files conforming to client's hardware and software configuration), first theme permits emulation of the audio events of the first platform (transcoded to a format which client 1 can accommodate) (col. 5, lines 44-58; col. 6, lines 35-55).

It is noted that the audio computer service of Krueger is platform-independent in that, regardless of the characteristics of the platform (combination of hardware, system software and player program) from which a user issues an audio event/function (directory, seek, read), a correct form of an audio file is returned to the user. See col. 4, line 16 - col. 5, line 64.

Krueger does not teach that the plurality of themes and associated audio events are packaged into a software object.

Rose teaches audio computer service which uses a data structure to manage audio data, wherein a plurality of themes (audio files of various formats) associated with audio events (user selection of audio links) are packaged into a software object (dictionary). See col. 4, lines 45-65; col. 5, lines 17-22. Given the teaching of Rose, it would have been obvious to package the plurality of themes associated audio events of Krueger into a software object. In so doing, a more user friendly method of audio file selection would have been provided.

As to claim 3, Krueger teaches GUI to initiate audio events (graphical user interface, col. 3, lines 52-55).

As to claim 4, Krueger as modified teaches the first platform includes an operating system (Krueger, inherent to the software architecture of client system 1) (Rose, col. 4, line 46).

As to claim 6, Krueger teaches software object in volatile memory (buffer transcoded audio files, col. 7, lines 1-14).

As to claims 7 and 8, Krueger teaches second platform, a second theme because the system includes multiple clients (client 1, a client, a particular client) with respective platforms (hardware and software configurations) and thus corresponding transcoded audio files, as discussed on claim 1. When the teachings of Krueger and Rose are combine, these themes would have been represented with a second set of platform dependent audio fields of the software object.

As to claim 10, Krueger as modified teaches multiplexer (Rose, directory of listed audio files). See discussion of claim 1.

As to claim 11, Rose teaches using a pointer (offset) to access audio files. See col. 5, lines 26-42. Note discussion of claim 1 for a motivation to combine.

As to claim 12, note discussion of claim 1, and the equivalence of audio function / audio event. Krueger further teaches receiving (client request), importing (transmit to client) and referencing (client plays downloaded transcoded audio files, col. 6, lines 15-17).

As to claim 13, Krueger teaches platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) (see discussion of claim 1).

As to claim 14, Krueger as modified teaches multiplexer (Rose, directory of listed audio files) (See discussion of claim 10) used in calling/importing a theme / platform dependent audio file (see discussion of claim 1 with respect to directory).

As to claim 16, note discussion of claim 1 with respect to software object as taught by the combination of Krueger and Rose.

As to claim 17, note rejection of claim 8.

As to claim 20, Krueger as modified teaches the set of audio events is organized into categories (transcoded audio files produced by different transcoding modes, col. 6, lines 56-67).

As to claim 23, it is covered by claims 1 and 12 and note the equivalence of requesting/receiving a request, retrieving/importing, and accessing/referencing. Krueger further teaches a widget (graphical user interface element, col. 3, lines 52-55) of the application/client, platform dependent audio output (transcoded audio files conforming to client's hardware and software configuration). It is noted that retrieving in Krueger is performed by the system manager (server 5).

As to claim 24, it is basically a program product claim of claim 1. Further, the audio computer service of Krueger as modified by Rose is a platform independent audio computer service in that a client with any of a variety of configurations in platform hardware and software retrieves audio files from the server in a uniform fashion.

4. Claims 2, 5, 9, 15, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claims 1, 7, 12, 16 and further in view of Peng (U S Pat. 6,128,011).

As to claim 2, Peng teaches a Java based audio computer service (Java program, col. 5, lines 44-45). Therefore, it would have been obvious to implement the audio computer service of Krueger as modified by Rose in a Java based audio computer service. A motivation to apply the teaching of Peng to Krueger as modified would have been to provide a GUI without having to redesign for each platform (Peng, col. 3, lines 17-21).

As to claim 5, Peng teaches supporting a single version of audio software program (Java GUI) on more than one types/themes of computer system platforms, including one of a Windows operating system (Windows 95, fig.s 4A, 5B, 6B) and a Motif operating system (Unix/Solaris/Motif, fig.s 4B, 5A, 6A). Therefore, it would have been obvious to support the audio service of Krueger as modified on a Windows operating system or a Motif operating system. Note discussion of claim 2 for a motivation to combine. MacIntosh operating system is another well known operating system with comprehensive multimedia support. Thus, it would have been obvious to

include MacIntosh operating system into the platforms supported in Krueger as modified.

As to claim 9, Krueger as modified teaches the first and second theme are arranged to permit the emulation of audio events of different operating systems (see discussion of claims 1 and 8). Peng teaches initiating user events via graphical user interface elements (fig.s 4, 5 and 6). Each of the operating systems as discussed on claim 5 presents to user its own graphical user interface.

As to claim 15, Peng teaches adding a listener (ActionListener, WindowListener) to a component (application with GUI) which provides a GUI event. See col. 7, code listing, lines 17-24. Therefore, it would have been obvious to add a listener to the component of Krueger. Note discussion of claim 2 for a motivation to combine.

As to claim 18, note rejection of claim 9. Each GUI has its own look and feel / characteristics, as shown in fig.s 4 and 5 in Peng.

As to claim 22, it is covered by claims 1, 7-9. Note claims 1, 7-9 for discussion.

5. Claims 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claim 16 and further in view of Chow et al (U S Pat. 6,226,693).

As to claims 19, 21, a hash file/table is a typical implementation of a directory/index data structure which converts a key/identifier, meaningful to a user, into the location of the corresponding data in a data collection. One such an example is shown by Chow to locate the event specific routine(s) corresponding to an event. (See fig. 6 and denoting text). Therefore, it would have been obvious to implement the software object / directory data structure of Krueger as modified with a hash file.

Response to Arguments

6. Applicant's arguments filed 2/10/2003 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argued that (page 4, line 20 - page 5, line 16) (1) Krueger does not teach the software object as recited in claim 1 because the examiner admitted that Krueger does not teach that the plurality of themes and associated audio events are packaged into a software object, (2) that the on-the-fly conversion taught by

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Rose does not teach a software object in the context of the invention, (3) that Rose does not teach a software object having at least one entry associated with an audio event and a first theme, (4) that Rose does not even pertain to an audio computer service component, (5) Rose cannot possibly teach platform-independent computer service.

The examiner respectfully disagrees. As to (1), it is the combination of Krueger and Rose, instead of Krueger or Rose alone, that meets the software object as recited in claim 1. Note the rejection of claim 1 for detail. Briefly, Krueger teaches the content of the software object as claimed and Rose teaches packaging such contents into a single software object. The combined teaching of Krueger and Rose therefore provides the software object with the content as claimed. As to (2), the argued on-the-fly conversion is not the teaching relied on. Rose is relied on to teach packaging audio files of various formats into a single software object, as detailed in the rejection of claim 1. The software object in the context of the invention as claimed is met by the combined teaching of Krueger and Rose. As to (3), note discussion of point (1) above. It is the combined teaching of Krueger and Rose, instead of Rose alone, that meets the software object having at least one entry associated with an audio event and a first theme. As to (4), applicant did not provide any supporting evidence to the argument that 'Rose does not even pertain to an audio computer service component'. In fact, Rose describes various aspects of the audio computer service and its components throughout the disclosure, including the audio files, various formats of the audio files, the integration of such various audio files under a single data structure, the platforms on which such audio files are run, the services/functions provided for processing such audio files. See col. 1, lines 47-67; col. 4, line 17 - col. 5, line 64. As to (5), It is the combination of Krueger and Rose, instead of Rose alone, that meets the platform-independent computer service comprising a system manage, a component and a software object as claimed. Refer to the rejection of claim 1 for a detailed analysis. In particular, the audio computer service of Krueger is platform-independent in that, regardless of the characteristics of the platform (combination of hardware, system software and player program) from which a user issues the audio event/function (directory, seek, read), a platform-appropriate version of an audio file is returned to the user. See col. 4, line 16 - col. 5, line 64.

Regarding claim 12, applicant argued that the steps of importing and referencing are not taught by Krueger or Rose. (Page 5, 3rd paragraph).

The examiner's response is that the previous office action provided detailed analysis (which also incorporates the discussion of claim 1) and pointed out how each of the claimed limitations of claim 12, including the steps of importing and referencing, is met by the specific elements and passages of Krueger and Rose. In response, applicant did not provide any underlying analysis as to why these portions of Krueger and Rose relied on do not support the examiner's position. The argument is thus not persuasive.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao, Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
(703305-2259)


CURTIS KUNTZ
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